

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>CLEM McSPADDEN, JAMES R. JONES, and TOM STEED, in behalf of themselves and all other persons similarly situated,</p> <p>v.</p> <p>HOWARD H. CALLAWAY, Secretary of the Army, LT. GEN. F. J. CLARKE, Chief of Engineers, and COL. JOHN G. DRISKILL, Tulsa District Engineer, U. S. Army Corps of Engineers,</p>		<p>For plaintiff:</p> <p>Ed Edmondson P. O. Box 11 Muskogee, Okla.</p> <p>Albert R. Matthews P. O. Box 1906 Muskogee, Okla. 74401</p> <p>James D. Goodpaster 324 Main Mall Tulsa, Oklahoma - 585-5641 74103</p> <p>For defendant:</p> <p>Nathan Graham</p> <p>Irwin Schroeder, Atty Dept of Justice Land and Natl Resources Division Washington, D.C. 20530</p>					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 6-1-73	Clerk		5/24	C. McSpadden	15.00		
			5-31-73	C.D.No.51		15	00
J.S. 6 mailed 7-1-73	Marshal						
Basis of Action: 28 USC 2201 and Adm. Procedure Act, 5 USC 701-706	Docket fee						
Action arose at:	Witness fees						
	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-24-73	Complaint, filed. Summons issued. rm	
5-24-73	Notice, filed, setting TRO, for 10:00 A.M., 5/24/73 before Judge Allen E. Barrow. rm	
5-24-73	Hearing held on appl. for TRO. Pltfs McSpadden & Jones present and represented by counsel, Ed Edmondson and Jim Goodpaster; defs. rep. by Nate Graham. Witnesses sworn, exhibit filed and testimony given. Appl. taken under advisement. (4:30 p.m.) Hearing continues. Appl. for TRO granted. TRO to expire in 10 days unless otherwise extended by either party. Ptf. directed to post \$1500 security bond. Case set for hearing for preliminary injunction and trial on merits for Monday, June 4, at 11:00 a.m. Pltf.'s counsel directed to prepare TRO. (AEB-J)rm	
5-24-73	Temporary Restraining Order, filed. (AEB-J)rm - copies to US Atty and Corp of Engineers, and counsel	
5-24-73	Security bond, filed. rm	
5-25-73	Return on U.S. Marshals Service, Summons and Notice, filed. Served Col. John G. Driskill in Tulsa, Okla., on 5-24-73, with fees of \$6.00. Served Atty. Gen of U.S.A. in Wash., D.C., and District U.S. Atty. in Tulsa, Okla., on 5-24-73, with fees of \$6.00. v Served Lt. Gen. F. J. Clarke, in Wash. D.C., on 5-24-73, with fees of \$6.00. Served Howard H. Callaway, Sec. of Army, in Wash. D.C., on 5-24-73, with fees of \$6.00. v	
6-4-73	Defts' Opposition to Injunction & Motion to Dismiss, filed. R	
6-4-73	Ordered by the Court that Pltfs' are directed to respond to Deft's Motion to Dismiss, which was filed on 6-4-73, within 10 days. (AEB-J)r	
6-4-73	Hearing for preliminary injunction and trial on merits held. Parties present and represented. Testimony presented. It is adjudged that the motion for preliminary injunction is taken under advisement; the TRO is extended for a period of 10 days, until June 14, 1973; court directs parties to file briefs and findings and conclusions within 8 days; June 12, 1973; and decision is passed to June 14, 1973.(AEB-J)h	
6-4-73	Plaintiff's exhibit #B and Def's exhibit # 1, admitted and filed.h	
6-4-73	Return on U.S. Marshals Service, Civil Subpoena, filed. Served Bob Mycue in Tulsa, OK, on 6-1-73, with fees of \$2.00. Served Lt. Col. Eddie Morris, in Tulsa, Ok., on 6-1-73, with fees of \$2.00. v	
6-8-73	Order filed that motion of Dolese Co., to Intervene is granted and their complaint in Intervention duly filed. (AEB-J)h-copies mailed)	
6-8-73	Ordered by the Court that this case is set for DECISION on 6-14-73. (AEB-J)v -copies mailed.	
6-11-73	Deft.s' Motion to Supplement Record, filed. v	
6-11-73	Deft.s' Brief in Support, filed. v	
6-11-73	Ordered by the Court that Pltf. is granted 10 days from this date to respond to Deft.s' Motion to Supplement Record. (AEB-J)v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-11-73	Excerpts of Proceedings had on 5-24-73, Hearing on Temporary Restraining Order, Injunction and Declaratory Relief, filed. Taken by Tim Holmes, CSR. v	
6-11-73	Excerpts of Testimony, had on 6-4-73, before Allen E. Barrow, Judge, and Tim Holmes, CSR, filed. v	
6-12-73	Defendants' supplemental memorandum of points and authorities in support of motion to dismiss, filed. g	
6-12-73	Briefs for the Plaintiffs, filed. jj	
6-12-73	Pltfs' Proposed Findings of Fact and Conclusions of Law, and Order Denying Defts' Mtn. to Dismiss and Granting Preliminary Injunction, w/Preliminary Injunction attached, filed. jj	
6-14-73	Case called for decision. Parties present and represented. It is ordered that defendant's motion to supplement record is sustained. It is ordered by the court that plaintiff is denied preliminary injunction and grants defendant's motion to dismiss. Order signed and filed in open court. Plaintiff gives oral notice of appeal. (AEB-J)h Exhibits # 1 and 2 of plaintiffs filed.h	
6-14-73	Findings of Fact, Conclusion of Law and Judgment filed and entered. (AEB-J)h	
6-14-73	Judgment filed and entered that pursuant to the Findings of Fact and conclusion of law IT IS ORDERED that the complaint and cause of action is hereby dismissed. (AEB-J)h -copies mailed-	
6-25-73	Pltfs' Appl. for new trial based on grounds of newly discovered evidence, filed. v - brief to be in. (in on 6-26-73)	
6-25-73	Ordered by the Court that Defts are granted 10 days from this date to respond to Pltfs' Appl. for new trial based on grounds of newly discovered evidence. (AEB-J)v	
6-26-73	Brief in support of Plaintiffs' Appl. for New Trial based on grounds of newly discovered evidence, filed. v	
7-5-73	Response of defs. to pltf. appl/new trial, filed. rm	
9-4-73	Order, filed, overruling Pltf.s' Mot. for New Trial. (AEB-J)v copies mld.	

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